

ORDINANCE NO. 1211-23

**AN ORDINANCE OF THE CITY OF AVALON AMENDING
TITLE 4, CHAPTER 4, ARTICLE 17 OF THE AVALON
MUNICIPAL CODE, REQUIRING ALL NEW COMMERCIAL
AUTOETTES TO BE ELECTRIC BY JANUARY 1, 2024**

WHEREAS, The Council has determined that there are special problems existing in the City relating to the size and nature of the streets and the characteristics and nature of the City itself; and,

WHEREAS, In view of these special problems, the Council hereby determines that special rules regulating the size, number, noise, speed, and classes of vehicles used, permitted, or operated on the streets under its jurisdiction are necessary; and

WHEREAS, the State of California has recognized transportation as the single largest source of global warming emissions and air pollution in the State; and

WHEREAS, the State established legislation that will require all new vehicles sold in the State to be zero-emission by 2035; and

WHEREAS, the City Council recognizes gas vehicles as having a harmful effect on Island-life contributing to noise and emission issues; and

WHEREAS, the City Council desires to begin to take a measured approach to ensure future compliance with the State's goals to increase the number of zero-emission vehicles in use; and

WHEREAS, the City Council wishes to require all new commercial autoettes to be electric by January 1, 2024; and

WHEREAS, the City wishes to now amend its Municipal Code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AVALON DOES
ORDAIN AS FOLLOWS:**

Section 1. The recitals set forth above are hereby adopted as the findings of the City Council in connection with the adoption of this Ordinance.

Section 2. Avalon Municipal Code section 4-4.1703 (c) is amended to read as follows (new language is underlined, removed language is struck):

4-4.1703 Types of Vehicle Permits

(c) Commercial Autoette Permits. One commercial autoette permit may be granted to any person, organization, partnership, trust or corporation for use in connection with a commercial enterprise located within the City limits or within three miles of the City limits, without being subject to a waiting period, as follows:

(1) The following findings must be made in an affirmative manner:

a. The commercial autoette for which a permit is requested is necessary to the proper functioning of the commercial enterprise.

b. The commercial enterprise has no other vehicles, autoette or other source of transportation that can reasonably satisfy its transportation requirements, including resident vehicles and autoettes.

c. That the autoette measures no more than 130 inches in length, including the front and rear bumpers.

d. The commercial enterprise is a significant source of income to the applicant and not a side business or hobby, or the Hearing Officer determines that shared use of the autoette by two or more businesses owned by the permittee is consistent with the purposes and goals of this chapter, or the autoette is to be used on a full-time basis or an exclusive basis for a business venture or ventures by the permittee.

e. Effective January 1, 2024 all purchase or lease agreements for new commercial autoettes must be for certified electric vehicles.

(2) An applicant for a commercial autoette permit shall hold a City of Avalon Business License at all times the permit is in effect.

(3) A commercial autoette permit shall be valid for a period of one year only and at the expiration of said period a new commercial autoette permit may be issued only on timely application therefor and after all of the findings set forth in subsection (c)(1) and (2) are made.

(4) The Hearing Officer or City Council may add conditions to the permit to assure that the applicant complies with the purposes and intent of this article and the regulations adopted pursuant thereto.

(5) Commercial autoettes permitted under this subsection (c) shall be provided by the permittee with overnight off-street parking and shall not be parked on any public street or right-of-way between the hours of 12:00 a.m. and 6:00 a.m.

(6) Noncommercial institutional uses or entities may be issued a commercial autoette permit pursuant to the provisions of this paragraph but need not hold a City business license.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decisions shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

Section 6. CEQA Exemption. The City Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15358 (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Moreover, the City Council finds that this Ordinance is also exempt under CEQA pursuant to Guidelines Section 15061(b)(3) (there exists no possibility that the activity will have a significant adverse effect on the environment) because this Ordinance will not cause a change in any of the physical conditions within the area affected by the Ordinance.

Section 7. Certification. The City Clerk of the City of Avalon shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

Section 8. Effective Date. This Ordinance shall become effective on July 1, 2023.

INTRODUCED at a regular meeting of the City Council of the City of Avalon on the 18th day of April, 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS: None.

ABSENT: None.

ABSTAIN: None.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Avalon on this 2nd day of May 2023, by the following vote:

AYES: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.

NAYS: None.

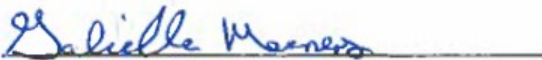
ABSENT: None.

ABSTAIN: None.



Ann H. Marshall, Mayor

ATTEST:



Gabrielle Morones, Deputy City Clerk

APPROVED AS TO FORM:



Scott Campbell
Best Best & Krieger, LLP


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF AVALON)

I, GABRIELLE MORONES, DEPUTY CITY CLERK OF THE CITY OF AVALON, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1211-23, was introduced at a regular meeting on April 18, 2023 and duly adopted by the Avalon City Council at its regular meeting of May 2, 2023, by the following vote:

Ayes: Mayor Marshall, Councilmembers De La Rosa, Lavelle, Ponce and Schickling.
Noes: None.
Absent: None.
Abstain: None.

and that the same has not been amended nor repealed.

Dated this 9th day of March, 2023.



Gabrielle Morones
Deputy City Clerk
City of Avalon, California